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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,044	06/27/2003	Ku-Hyun Park	053785-5126	6405
9629	7590	09/30/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				CALEY, MICHAEL H
ART UNIT		PAPER NUMBER		
		2871		

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/607,044	PARK ET AL.	
	Examiner Michael H. Caley	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06272003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Objections***

It is noted that claims 1 and 11 fail to disclose an acceptable range for the parameter  $\lambda$ , making the claim language indefinite. The range of visible light is assumed as the proposed range for examination purposes, however, an explicit range or value should be stated within the claim to fully set forth the metes and bounds of the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. Patent No. 6,137,554 “Nakamura ‘554”) in view of Nakamura (U.S. Patent No. 5,774,197 “Nakamura ‘197”).

Regarding claims 1 and 11, Nakamura ‘554 discloses an optically compensated birefringence mode liquid crystal display device having:

first and second substrates (Figure 5 elements 3 and 6) facing and spaced apart from each other;

a liquid crystal material layer (Figure 5 element 10) between the first and second substrates, the liquid crystal material layer having a splay state when a voltage is not

applied and having a bend state when a transition voltage is applied (Column 7 lines 16-20);

a first compensation film (Figure 5 element 20a) on an outer surface of the first substrate;

a first polarizing plate (Figure 5 element 2a) on the first compensation film;

a second compensation film (Figure 5 element 20b) on an outer surface of the second substrate;

a second polarizing plate (Figure 5 element 2b) on the second compensation film;

Nakamura '554 fails to disclose the retardation within the proposed ranges in the splay state, the bend state, and the black state. Nakamura '197, however, teaches retardation values similar to the proposed ranges for each of the states for an analogous type of optically compensated bend mode display. Nakamura '197 teaches a retardation value ( $R_1/\lambda$ ) within the proposed range for the splay state within the range of 1.35 to 1.75 (Column 4 lines 46-51). Nakamura '197 teaches a retardation value  $R_2/\lambda$  of 0.425 for the bend state and a retardation value  $R_3/\lambda$  of 0.141 for the black state using the equation  $R(V)/\lambda \leq 0.85$  for  $V = 2V$  for the bend state (Column 2 lines 26-59, Column 4 lines 5-7) and  $V = 6V$  for the black state (Column 3 lines 14-30, Column 4 lines 5-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the OCB display device disclosed by Nakamura '554 as proposed, according to the teachings of Nakamura '197. Nakamura '197 teaches improved display characteristics over a range of viewing angles when the relationship  $R(V)/\lambda \leq 0.85$  is maintained.

By applying the relationship to Nakamura '554, one of ordinary skill would have arrived at retardation values for each of the states similar to those proposed as shown above. Nakamura '197 teaches the same relationships between applied voltage and retardation (Figures 4 and 5) as relied upon by applicant to arrive at optimal retardation values for the proposed wavelength ranges. Nakamura '197 offers additional variables, such as cell gap width and desired transmittance by which one of ordinary skill would arrive at the proposed values according to a results effective variable optimization (Columns 7 and 8, Tables 1, 2, and 3).

It is further noted that in claims 1 and 11 as currently proposed, Nakamura '197 teaches the exact values for each of the states (splayed, bend, black) due to the arbitrary value of  $\lambda$ .

Regarding claims 2 and 12, Nakamura '554 discloses

a first orientation film between the first substrate and the liquid crystal material layer (Figure 7 element B1); and

a second orientation film between the second substrate and the liquid crystal material (Figure 7 element B2),

wherein the first orientation film has the same alignment direction as the second orientation film (Figure 7).

Regarding claims 5 and 15, Nakamura '554 discloses the refractive index anisotropy as within the range of 1.2 to 1.3 (Column 6 lines 10-12).

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura '554 in view of Nakamura '197 and in further view of Hattori et al. (U.S. Patent No. 6,597,424 "Hattori").

Nakamura '554 as modified by Nakamura '197 discloses all of the proposed limitations except for the ratio of the bend elastic modulus over the dielectric constant anisotropy as between 0.85 and 1.5. Hattori, however teaches a ratio for a optically compensated bend mode display in the bend state as having a ratio of 1.2 within the proposed range (Column 49 lines 18-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the liquid crystal layer having the proposed bend elastic modulus and dielectric constant anisotropy ratio. Hattori teaches conventional values for such parameters of the liquid crystal cell. One would have been motivated to use such parameters for constructing the liquid crystal cell to benefit from the expected results of such characteristics such as fast response time and a wide viewing angle as taught by Hattori (Column 3 lines 2-9).

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura '554 in view of Nakamura '197 and in further view of Noguchi et al. (U.S. Patent No. 5,736,066 "Noguchi").

Nakamura '554 as modified by Nakamura '197 fails to disclose the phase transition temperature as proposed. Noguchi, however, teaches a phase transition temperature within the proposed range (Column 15 lines 40-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the liquid crystal layer having the proposed phase transition temperature. Noguchi teaches conventional values for such parameters of the liquid crystal cell. One would have been motivated to use such parameters for constructing the liquid crystal cell to benefit from the expected results of such characteristics such as reduced viewing angle dependence on retardation of the liquid crystal layer as taught by Noguchi (Column 3 lines 49-64).

Claims 6-10 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura '554 in view of Nakamura '197 in further view of Hashimoto (U.S. Patent No. 6,657,690).

Regarding claims 6 and 16, Nakamura '554 as modified by Nakamura '197 fails to disclose each of the compensation film as including a discotic film on the surface of the substrate and a biaxial film on the surface of the discotic film. Hashimoto, however, teaches such an arrangement of compensation films as advantageous in an OCB mode display (Figure 1A elements 1A-4A and 1B-4B; Column 3 lines 15-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the first and second compensation films as proposed, each having a discotic film layer and a biaxial film layer. Hashimoto teaches such a structure of compensation films as beneficial to more uniformly compensate a liquid crystal cell across a range of viewing angles without causing light leakage around the frame portions (Column 2 lines 40-64).

Regarding claims 7 and 17, Nakamura '554 as modified by Nakamura '197 fails to disclose the proposed refractive index anisotropy value for the first and second discotic films. Nakamura '554, however, teaches such a value for the liquid crystal cell (Column 6 lines 10-12). Further, the examiner takes Official notice that it is well known in the art to match the refractive index anisotropy values of the compensation layers to those of the liquid crystal cell to compensate the cell at wide viewing angles.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the discotic films with the proposed refractive index anisotropy values. One would have been motivated to construct the films with such parameters in order to correctly compensate the liquid crystal cell at wide viewing angles to benefit from the expected results of such a match, such as display clarity at wide viewing angles.

Regarding claims 9 and 19, Nakamura '554 as modified by Nakamura '197 fails to disclose a first TAC film on the first polarizing plate and a second TAC film on the second polarizing plate. Hashimoto teaches such a film as advantageously placed on the polarizing plates as a protective film (Column 54 lines 44-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed first and second TAC films on the polarizing plates as proposed. One would have been motivated to place such films on the polarizers as protective films to shield the polarizers from outside elements while providing viewing angle compensation for the liquid crystal cell (Column 54 lines 55-65).

Regarding claims 8, 10, 18, and 20 Nakamura '554 as modified by Nakamura '197 fails to disclose the proposed ranges for  $R_{th} / R_e$  for each of the first and second discotic films, first and second biaxial films, and first and second TAC films. Hashimoto, however, teaches ranges for each of the values  $R_{th}$  and  $R_e$  for the discotic films, biaxial films and TAC films such that the proposed ratios fall within the taught ranges (Column 7 lines 46-52, Column 15 lines 30-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared the films having the proposed ratio of retardation values. The proposed ratios fall within the acceptable ranges for such layers as taught by Hashimoto. One of ordinary skill in the art would have arrived at such ratios through routine experimentation and analysis to achieve a liquid crystal display having an optimized viewing angle characteristic. One would have been motivated to construct a display having layers with the proposed retardation parameters to achieve such a particular expected result.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael H. Caley whose telephone number is (571) 272-2286. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mhc*

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Art Unit 2871

  
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